SINGLE BENCH

CE/002

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

W.P.No. 4366 / 2006

Petitioner : K.L. Kosma S/o Late Shri Tilakram Kosma, aged about 44 years, R/o GP Karar, Tahsil Bhanuparatapur, District Kanker (C.G.)

P.R. No. 4408/06 Kumar DCS
Presented by Shri ... 11/8/06
dated ...

Versus

Respondents :

1) State of Chhattisgarh – Through the Secretary, School Education Department, DKS Bhawan, Raipur (C.G.)

2) The District Education Officer, Distt. Kanker (C.G.)

3) The Collector Kanker, Distt. Kanker (C.G.)

4) The Head Master, Government Middle School, Barbaspur, Distt. Kanker (C.G.)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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मामला क्रमांक W.P.No. 4736 **सन् 2006**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

18.8.2006:-

Shri P.R. Patankar, counsel for the petitioner.

Shri Satish Gupta, Deputy Govt. Advocate for the State/ respondents, on advance copy.

Heard both the counsel.

By the instant petition, the petitioner has challenged his transfer order Annexure-P/3 dated 29-7-2006 whereby under the Rationalization Scheme declaring him as surplus, he has been transferred from Middle School, Barbuspur, Block Bhanupur to Primary School, Block Koyalibeda.

Learned counsel for the petitioner submitted that in the impugned order it has been shown that the petitioner has been transferred on his own consent whereas, no such consent was given by him.

But, the impugned order has been passed under the Rationalization Scheme, 2006 and clause-7 of the scheme provides for an appeal if any teacher is aggrieved by the order passed by the competent authority, therefore, equally efficacious remedy is available to the petitioner. In the first instance, the petitioner ought to have availed of that remedy.

In the circumstances, learned counsel for the petitioner submitted that the petitioner wants to file an appeal before the appropriate authority under the scheme and the appropriate authority be directed to decide the same.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

32

मामला क्रमांक ...W.P.4366/... **सन् 2006**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
Barve	However, since time under Clause 7 for filing an appeal is 7 days and the petitioner has approached this Court by filing this writ petition, as such, time taken by the petitioner from the date of filing of this writ petition till its disposal shall be condoned by the appropriate authority. The writ petition is accordingly, dismissed, at the admission stage itself. Consequently, M.(W.)P.No.3384/2006 and I.A.No.7927/2006 stand disposed of. Parties are entitled for certified copy of this order. Sd/- L.C. Bhadoo Judge	

P.T.O.

28/06